

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

THOMAS KNIFECHIEF,

Defendant.

8:09CR390

ORDER

This matter is before the court on the government's motion to continue trial (Doc. 37) due to the hospitalization of a material witness for a serious injury. Notwithstanding the defendant's objection, the court finds that the motion should be granted.

IT IS ORDERED that the motion to continue trial (Doc. 37) is granted, as follows:

1. The jury trial now set for April 20, 2010 is continued to **June 21, 2010**.
2. Any additional time arising as a result of the granting of this motion, that is, the time between **April 20, 2010 and June 21, 2010**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(3), due to the unavailability of an essential witness.

DATED April 13, 2010.

BY THE COURT:

s/ F.A. Gossett
United States Magistrate Judge